REMARKS

Claims 1 to 8 are now pending and being considered.

Applicants thank the Examiner for indicating that claims 1 to 8 include allowable subject matter.

Claims 1 to 8 were rejected as failing to comply with the written description requirement under 35 U.S.C. § 112, ¶ 1. It is respectfully submitted that claims 1 to 8 comply with the written description requirement, and withdrawal of the present rejection is requested, for the following reasons.

To reject an application based on the written description requirement, the Examiner has the initial burden of presenting "evidence or reasons <u>why</u> persons skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims." (*See* M.P.E.P. § 2163.04 (citing *In re Wertheim* 541 F.2d 257, 262, 265, 191 U.S.P.Q. 90, 96, 98 (C.C.P.A. 1976))) (emphasis added). The Manual of Patent Examining Procedure also provides that if an examiner rejects a claim based on the lack of a written description, the examiner should "identify the claim limitation not described" and provide "reasons why persons skilled in the art would not recognize the description of this limitation in the disclosure of the application." (*See id.*). Moreover, the specification as originally filed must, of course, provide a statutorily sufficient written description of the claimed subject matter to a person having ordinary skill. It does not matter, however, exactly how this is done so long as the written description requirement is satisfied. To determine whether the written description requirement is satisfied, the specification as a whole must be considered, and, in this regard, the Federal Circuit has made clear that the "claimed subject matter need not be described *in haec verba*" in the application for it to satisfy the written description requirement. *See In re Wright*, 9 U.S.P.Q.2d 1649, 1651 (Fed. Cir. 1989) (citing *In re Smith*, 481 F.2d 910, 914, 178 U.S.P.Q. 620, 624 (C.C.P.A. 1973)).

As regards claims 1 and 5, Applicants respectfully submit that the specification provides adequate written description of the subject matter claimed. In particular, the Office Action asserts that the application as originally filed fails to support "the limitation that 'responsive to a request for program command . . ., a plurality of commands following the accessed command are written' to the first buffer memory and 'the accessed command and the plurality of commands following the accessed command are simultaneously stored in sequential locations of the first buffer memory.'" Office Action,

page 3. The Office Action further asserts that the originally filed application fails to support similar features with respect a request for datum. Applicants respectfully submit that these features are clearly described in the specification. For example, as regards the feature of writing a plurality of commands or data following an accessed command or datum to a first or second buffer memory, respectively, in response to a request for a program command or a datum, respectively, the specification, e.g., at page 1, line 24 to page 2, line 3, states that the steps described in the specification are performed in connection with a program run and proceed from recognition of a command or data access, and further indicates that, in the case of a command access, *at least one command following the accessed command* is written to a first buffer memory and a datum following an accessed datum is written to a second buffer memory.

As regards the simultaneous storage of the accessed command or datum and the plurality of commands following the accessed command or the plurality of data following the accessed datum, the drawings, e.g., figure 2, and the specification, e.g., at page 4, line 1 to page 5, line 7, provide support for these features. The specification states that the first buffer memory has space of sequential locations, as shown in figure 2, in which the accessed command and the commands following the accessed command are stored. In this regard, the specification, at page 4, line 23 to page 5, line 7, referring to a command access of command 1, states that command 1 and the following commands are transferred to the sequential locations of the command buffer. Accordingly, one skilled in the art would understand that both the accessed command and the following commands are simultaneously located in the sequential locations, for example, at least until all of the following commands have been transferred to the buffer or until the buffer is otherwise full.

The specification further indicates that the two buffers operate essentially in the same way but that one of the buffers is reserved for commands while the other is reserved for data so that a data access does not cause commands in the buffer to be overwritten and vice versa. For example the specification, at page 4, lines 7 to 8, states that *"correspondingly,* locations are provided for data D0 to DN in buffer memory P2." Similarly, the specification, at page 5, lines 3 to 7, further equates the storing of data in the second buffer to the storing of commands in the first buffer, and further the storing of the accessed command or data to the storing of the subsequent commands or data responsively retrieved. In this regard, the cited section of the specification states that "with an address

access to a command or a datum, not only the command or datum represented by the address, but also subsequent commands or data, are loaded into the buffer."

It is therefore respectfully submitted, claims 1 and 5 and their dependent claims, *i.e.*, claims 2 to 4 and 6 to 8, comply with the written description requirement.

Withdrawal of the written description requirement of claims 1 to 8 is therefore respectfully requested.

As regards the Examiner's assertion that claims 1 and 5, do not provide antecedent basis for "the association," while Applicants do not agree with the merits of this rejection, to facilitate matters, Applicants have amended the claims, thereby rendering moot the present rejection.
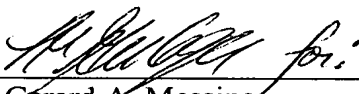
Accordingly, all of pending claims 1 to 8 are allowable.

Conclusion

In view of the foregoing, it is respectfully submitted that all of claims 1 to 8 are allowable. It is therefore respectfully requested that the rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

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